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ROBERT N. CROUSE
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OFFICE OF PETITIONS

In re Application of :
Lee et al. :
Application No. 10/721,480 : DECISION ON PETITION
Filed: 26 November, 2003 :
Attorney Docket No. 5649-1218 :

This is a decision on the petition filed on 3 January, 2005, requesting that the above-identified application be accorded a filing date which is treated as a petition requesting that above-identified application, including nine (9) sheets of drawings, be accorded a filing date of 26 November, 2003.

The petition is granted.

On 26 November, 2003, the application was filed.

On 2 November, 2004, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings. A two (2)-month period for reply was set.

In response, on 3 January, 2005 (certificate of mailing date 29 December, 2003), the present petition and a copy of nine (9) sheet of drawings, was filed. Petitioners argue that nine (9) drawing sheets were filed with the other application papers on 26 November, 2003, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 11/26/03 containing the above-identified application number, and identifies the application by the first named inventor's last

name and attorney docket number, and acknowledges receipt of, *inter alia*, 9 sheets of formal drawings. Petitioners request that the application, including the nine (9) sheets of drawings, be accorded a filing date of 26 November, 2003.

A review of the record reveals that no sheets of drawings received on 26 November, 2003, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 26 November, 2003, included nine (9) sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including nine (9) sheets of drawings, is entitled to a filing date of 26 November, 2003.

In view of the above, the petition is granted. The petition fee of \$400.00 will be credited to counsel's deposit account, No. 50-0220.

The application will be processed with the copy of the nine (9) sheets of drawings supplied on 3 January, 2005, as a part of the original disclosure.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 26 November, 2003, using the application papers filed on that date and the copy of nine (9) sheets of drawings supplied with the present petition, and for an indication in Office records that nine (9) sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions